

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

AMANDA BRYANT

PLAINTIFF

VS.

CAUSE NO.: 4:23-CV-112-DMB-JMV

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

DEFENDANT

**ORDER DENYING DEFENDANT'S REURGED MOTION TO STAY DISCOVERY
AND ALL FURTHER PROCEEDINGS**

THIS MATTER is before the Court upon the motion of Defendant State Farm Mutual Automobile Insurance Company [45] to stay discovery and all further proceedings pending a ruling on its Fed. R. Civ. P. 12(b)(6) renewed motion to dismiss [41]. Having reviewed the motion and the applicable law, the Court finds that the reurged motion should be summarily denied.

Background and Procedural History

On June 16, 2023, State Farm removed this matter to this Court from the Leflore County Circuit Court. On June 29, 2023, a telephonic case management conference was noticed for July 27, 2023. *See* Notice [6]. The telephonic case management conference was held on July 27, 2023, and all dates provided in the case management order were recited by the undersigned. Thereafter, on August 3, 2023, an order to show cause [15] was entered due to a defect in the jurisdictional allegations of the notice of removal. On August 11, 2023, the parties filed a joint response [16] to the order to show cause and a joint motion [17] to conform case caption to the Mississippi Supreme Court mandate. On September 1, 2023, the district judge entered an order granting the joint motion to conform case caption. The amended notice of removal [19] was then filed on September 5, 2023. On September 8, 2023, the undersigned entered the Case Management Order [20], which included

the same dates that were recited to the parties at the July 27, 2023, telephonic case management conference. Two months later, on November 13, 2023, State Farm filed a motion to dismiss. On November 21, 2023, Plaintiff filed a motion to amend, which was granted on December 14, 2023. On December 20, 2023, State Farm filed a motion to stay discovery pending a ruling on its motion to dismiss [25].

On December 28, 2023, State Farm filed a renewed motion to dismiss [41] seeking to dismiss Plaintiff's amended complaint. Then, on January 2, 2024, two orders were entered denying the initial motion to dismiss [43] and motion to stay discovery [44] on the basis that both motions were moot. That same day, State Farm filed the instant reurged motion to stay discovery and all further proceedings [45].

Law and Analysis

At the outset, the undersigned notes that the discovery deadline in this case is set to expire on January 29, 2024, and the trial date is set for June 3, 2024.

When a similar motion to stay was filed in *King Indus., Inc. v. United Ass'n of Journeyman & Apprentices of the Plumbing & Pipe Fitting Indus. of the United States & Canada, AFL-CIO*, U.S. Magistrate Judge Linda R. Anderson found that:

The Court is aware that it has the discretion to stay discovery pending a decision on a dispositive motion. *See Scroggins v. Air Cargo, Inc.*, 534 F.2d 1124, 1133 (5th Cir. 1976). However, it is the normal practice of this Court to only stay discovery when a motion to remand is filed, or an immunity question or issue of personal jurisdiction exists. *See Local Rule 16.1*. Otherwise, it is rare that the Court would prevent discovery from proceeding due to the filing of a motion for summary judgment. The Court finds that this case is not so unusual so as to stay discovery pending rulings on the dispositive motions filed by Defendants. The motion to stay shall be denied.

2009 WL 10676877, at *1 (S.D. Miss. Apr. 2, 2009).

For the same reasons, coupled with the impending discovery deadline and trial date, the instant motion to stay is not well taken and is due to be summarily denied.

THEREFORE, the Court finds that the Defendant's reurged motion to stay discovery and all further proceedings [45] shall be and is hereby **DENIED**.

SO ORDERED, this the 8th day of January, 2024.

/s/ Jane M. Virden

U.S. MAGISTRATE JUDGE JANE M. VIRDEN